

339-08/WLJ
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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CHEM-TANKERS C.V.

08-Civ-5575 (WHP)

Plaintiff,
- against -
CODECOM S.A.,
Defendant.

ORDER
DIRECTING CLERK TO ISSUE
AMENDED PROCESS OF
MARITIME ATTACHMENT
AND GARNISHMENT

WHEREAS, on June 20, 2008 this Court issued, pursuant to the application by Plaintiff CHEM-TANKERS C.V. an Order which *inter alia* directed the Clerk to issue Process of Maritime Attachment and Garnishment pursuant to Rule B authorizing the restraint of up to \$952,780.29 of property in this District in which Defendant CODECOM S.A. has an interest; and

WHEREAS the above amount authorized for restraint was based upon the amount sued for by Plaintiff CHEM-TANKERS C.V. as set forth in its Verified Complaint filed in this action on June 20, 2008; and

WHEREAS Plaintiff CHEM-TANKERS C.V. has filed an Amended Verified Complaint on July 17, 2008 and advised the Court as follows:

- (1) that due to the continued restraint of the M/V CHEM RIGEL in Venezuela, additional costs, fees, and detention have accrued whereby Plaintiff CHEM-TANKERS C.V. now requires additional security, which to date amounts to \$1,295,560.68; and
- (2) that COLOMBIANA DE COMBUSTIBLES S.A., acts in the capacity as an agent for Defendant CODECOM for the purpose of receiving, holding and transferring funds, and has effected payments of hire on behalf of Defendant CODECOM under the governing charter party;

NOW, upon motion of Freehill Hogan & Maher, LLP, attorneys for the Plaintiff, and upon good cause shown, it is hereby

O R D E R E D that the Clerk of this Court is directed forthwith to issue the Amended Process of Maritime Attachment and Garnishment for seizure of all tangible and intangible property of the Defendant, as described therein, including but not limited to any property in which the Defendant has an interest, including but not limited to any cash, funds, escrow funds, debts, credits, wire transfers, electronic funds transfers, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, and/or any other assets of, belonging to, due or being transferred to, from, or for the benefit of the Defendant CODECOM S.A., (hereinafter

“ASSETS”), including but not limited to payments made or received in its name or in the name of its paying agent, COLOMBIANA DE COMBUSTIBLES S.A., including but not limited to such ASSETS as may be held, received or transferred for Defendant’s benefit at, through, or within the possession, custody or control of banking institutions and/or other institutions and/or such other garnishee(s) on whom a copy of the Amended Process of Maritime Attachment and Garnishment may be served, in the amount of \$1,295,560.68 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure in respect to the claim against the Defendant, as identified in the Verified Complaint and as specified in the Amended Process; and it is further

O R D E R E D that supplemental process enforcing the Court’s Order may be issued and served without further Order of the Court; and it is further

O R D E R E D that the remainder of this Court’s prior Order of June 20, 2008 remains in full force and effect and with equal application to the Amended Process of Maritime Attachment and Garnishment which is to be issued.

Dated: New York, New York
July 23, 2008



The Honorable William H. Pauley III, U.S.D.J.